

## **REMARKS**

Applicants thank the Examiner for the detailed Office Action dated July 26, 2007. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-15, 17-23, 25, 26, and 28-42 were pending in the Application. No claims are requested to be cancelled. Claims 1, 17, 23, and 28 are currently being amended.

This amendment adds, changes and/or deletes claims in this Application. A detailed listing of all claims that are, or were, in the Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-15, 17-23, 25, 26, and 28-42 are now pending in this Application.

Applicants have amended Claim 17 to correct informalities. Applicants note that the claim amendment is intended to clarify the language used in the amended claim, and is in no way intended as limiting or to obtain patentability of Claim 17.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e., claims 1, 14, 15, 17, 18, 23, 28, 37, 41, and 42) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

### **Claim Rejections – 35 U.S.C. § 112**

On pages 2 and 3 of the Office Action, independent Claims 1, 23, and 28 and various dependent claims were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description and enablement requirements.

Claims 1, 23, and 28, as amended, find support generally throughout the detailed description and more specifically in paragraphs [0064] and [0065]. Claims 1, 23, and 28, as amended, are enabled because the specification, in paragraph [0064], illustrate an exemplary embodiment by stating “as the operator walks around vehicle 10 only those devices that are adjacent the operator are actuated and the operator is able to observe the devices.” Claims 1, 23, and 28, as amended, are enabled because the exemplary embodiment disclosed that the operator is actuating these devices by manually entering commands into the handheld device while the operator is adjacent to these devices. In an exemplary embodiment discussed in paragraph [0059], “PDA 60 acquires operator inputs to control the output state of the particular output device 40 [and] ... the operator changes the on/off state of the device to be on so that operator can observe whether the device is working properly.”

Applicants respectfully submit that the detailed description reasonably conveys to one skilled in the art that the inventors had possession of the claimed invention and enables one skilled in the art to make and/or use the invention. Applicants respectfully submit that Claims 1, 23, and 28, as amended, comply with the written description and enablement requirements of 35 U.S.C. § 112, first paragraph, and are patentable.

Accordingly, withdrawal of the rejection of independent Claims 1, 23, and 28, as amended, and the claims which are dependent thereon is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 103**

#### ***Independent Claims 14, 15, 17, and 18***

On page 4 of the Office Action, Claims 14, 15, 17, and 18 along with various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,593 (“Kempen”) in view of U.S. Publication No. 2004/0203974 (“Seibel”) and further in view of U.S. Patent No. 5,844,473 (“Kaman”). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent Claims 14, 15, 17, and 18.

Kempen relates to a “military vehicle” having a “cooperative control network with distributed I/O interfacing.” (Kempen at col. 1, lines 17-18). In a particular embodiment, Kempen relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation.” (Kempen at col. 1, lines 19-22). Seibel relates to a “maintenance notification [system] for a maintenance activity associated with a vehicle.” (Seibel at col. 1, lines 9-10). Kaman relates to a system to “correlate and collect maintenance information (e.g., indicia of usage) on a number of vehicles.” (Kaman at col. 2, lines 65-67).

Kempen in combination with Seibel and/or Kaman, would not have resulted in the subject matter recited in independent Claims 14, 15, 17, and 18 because the proposed modification of Kempen in combination with Seibel and/or Kaman does not disclose, teach or suggest a control system “wherein the personal digital assistant device wirelessly initiates at least a vehicle test program for” each vehicle (Claims 15 and 18) or a plurality of vehicles (Claims 14 and 17) and “that manipulates at least one of the plurality of output devices” and where “the personal digital assistant generates a report that compares the results of the vehicle test program manipulation for” each vehicle (Claims 15 and 18) or a plurality of vehicles (Claims 14 and 17) recited in independent Claims 14, 15, 17, and 18.

Kempen does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant” receiving signals from the control system. Kempen does not appear to

motivate, teach, or suggest the need for or any benefit of a personal digital assistant. Also, Kempen does not appear to show a “report that compares the results of the vehicle test program manipulation for” each vehicle (Claims 15 and 18) or a plurality of vehicles (Claims 14 and 17). Siebel does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant [that] wirelessly initiates at least a vehicle test program for each vehicle that manipulates at least one of the plurality of output devices” and “generates a report that compares the results of the vehicle test program manipulation for” each vehicle (Claims 15 and 18) or a plurality of vehicles (Claims 14 and 17). The Siebel system does not appear to manipulate output devices or generate reports that compare results of manipulating output devices. The Siebel system **appears to only teach “generat[ing] a notification request” for system maintenance without any device manipulation.** (Siebel, abstract). Similarly, the Kaman system does not appear to show a “personal digital assistant [that] wirelessly initiates at least a vehicle test program for each vehicle that manipulates at least one of the plurality of output devices” and “generates a report that compares the results of the vehicle test program manipulation for” each vehicle (Claims 15 and 18) or a plurality of vehicles (Claims 14 and 17). The Kaman system does not appear to manipulate output devices or generate reports that compare results of manipulating output devices. The Kaman system **appears to only teach “correlate[ing] and collect[ing] maintenance information (e.g., indicia of usage) on a number of vehicles and provid[ing] maintenance recommendations via the display and printer.”** (Kaman at col. 2, lines 65-67).

Applicants submit that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. §103. The Examiner has failed the requisite factual basis because these rejections do not comply with the all claim limitations standard under 35 U.S.C. §103. None of the cited references, alone or in proper combination, disclose, teach, or suggest the subject matter recited in independent Claims 14, 15, 17, and 18.

Applicants respectfully submit that the subject matter recited in independent Claims 14, 15, 17, and 18, along with the claims which are dependent thereon, considered as a whole, would

not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

***Independent Claim 41***

On page 6 of the Office Action, Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kempen in view of Seibel and in view of Kaman and further in view of U.S. Publication No. 2005/0060246 (“Lastinger”). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent Claim 41.

Kempen relates to a “military vehicle” having a “cooperative control network with distributed I/O interfacing.” (Kempen at col. 1, lines 17-18). In a particular embodiment, Kempen relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation.” (Kempen at col. 1, lines 19-22). Seibel relates to a “maintenance notification [system] for a maintenance activity associated with a vehicle.” (Seibel at col. 1, lines 9-10). Kaman relates to a system to “correlate and collect maintenance information (e.g., indicia of usage) on a number of vehicles.” (Kaman at col. 2, lines 65-67). Lastinger relates to method, system, and computer program for “monitoring inventory in an inventory control framework.” (Lastinger, abstract). Lastinger relates to “storage units in a vehicle” where the “information received from each storage unit may relate to the weight of the load supported by the respect storage unit [and/or] … the location of the storage unit within the vehicle.” (Lastinger, para. [0008]).

Kempen in combination with Seibel, Kaman, and/or Lastinger would not have resulted in the subject matter recited in independent Claim 41 because the proposed modification of Kempen in combination with Seibel, Kaman and/or Lastinger does not disclose, teach or suggest a vehicle with a storage compartment, a control system and portable handheld off-board computer “wherein the portable handheld off-board computer wirelessly receives a radio frequency signal from the cargo stored in the storage compartment, the radio frequency signal identifies a characteristic of the cargo” and “wherein the portable handheld off-board computer

wirelessly receives at least some of the I/O status information from the control system” and “wherein the portable handheld off-board computer wirelessly initiates at least a vehicle test program that manipulates at least one of the plurality of output devices” and “wherein the portable handheld off-board computer generates a report that incorporates the results of the vehicle test program manipulation with the characteristic of the cargo,” as recited in independent Claim 41.

Kempen does not motivate, teach, or suggest the need for or any benefit of a “portable handheld off-board computer” receiving signals from the control system. Kempen does not appear to motivate, teach, or suggest the need for or any benefit of a portable handheld off-board computer. Also, Kempen does not appear to show a “report that incorporates the results of the vehicle test program manipulation with the characteristic of the cargo.” Siebel, Kaman and Lastinger do not motivate, teach, or suggest the need for or any benefit of a “portable handheld off-board computer [that] wirelessly initiates at least a vehicle test program that manipulates at least one of the plurality of output devices” and “generates a report that incorporates the results of the vehicle test program manipulation with the characteristic of the cargo.” The Siebel system **appears to only teach “generat[ing] a notification request” for system maintenance without any device manipulation.** (Siebel, abstract). The Kaman system **appears to only teach “correlate[ing] and collect[ing] maintenance information (e.g., indicia of usage) on a number of vehicles and provid[ing] maintenance recommendations via the display and printer.”** (Kaman at col. 2, lines 65-67). The Lastinger disclosure **appears to teach an inventory control system in a vehicle that “may be used to determine the weight and distribution of the load on the storage units in the vehicle.”** (Lastinger at para. [0047]).

Applicants submit that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. §103. The Examiner has failed the requisite factual basis because these rejections do not comply with the all claim limitations standard under 35 U.S.C. §103. None of the cited references, alone or in proper combination, disclose, teach, or suggest the subject matter recited in independent Claim 41.

Applicants respectfully submit that the subject matter recited in independent Claim 41 would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of claim 41 under 35 U.S.C. § 103(a).

***Independent Claims 37 and 42***

On page 7 of the Office Action, independent Claims 37 and 42, and various dependent claims, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kempen in view of Seibel; in view of Kaman; in view of Lastinger; and in further view of U.S. Publication No. 2004/0069850 (“DeWilde”). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent Claims 37 and 42.

Kempen in combination with Seibel, Kaman, Lastinger and/or DeWilde would not have resulted in the subject matter recited in independent Claims 37 and 42 because the proposed modification of Kempen in combination with Seibel, Kaman, Lastinger and/or DeWilde does not disclose, teach or suggest a vehicle with a storage compartment, a control system and portable handheld off-board computer “wherein the portable handheld off-board computer wirelessly receives a radio frequency signal from the cargo stored in the storage compartment” and “wherein the portable handheld off-board computer wirelessly receives information regarding the destination of the cargo and at least some of the I/O status information from the control system” (Claim 37) or a vehicle with a storage compartment, a control system and portable handheld off-board computer “wherein the portable handheld off-board computer wirelessly receives a radio frequency signal from the cargo stored in the storage compartment, the radio frequency signal identifies a characteristic of the cargo” and “wherein the portable handheld off-board computer wirelessly receives at least some of the I/O status information from the control system” and “wherein the portable handheld off-board computer generates a report that incorporates information about cargo destination, weight, type, and location, the report further including a customized combination of select cargo and I/O status information selectable by a user, wherein the customized combination comprises a plurality of the following: delivery deadlines, transit

time, source location, transit distance, fuel economy, fluid levels, tire pressure, and average engine RPM” (Claim 42).

Kempen does not motivate, teach, or suggest the need for or any benefit of a “portable handheld off-board computer” receiving signals from the control system. Kempen does not appear to motivate, teach, or suggest the need for or any benefit of a portable handheld off-board computer. Also, Kempen does not appear to show a “report that incorporates the results of the vehicle test program manipulation with the characteristic of the cargo.” Siebel, Kaman, Lastinger and DeWilde do not motivate, teach, or suggest the need for or any benefit of a “portable handheld off-board computer [that] wirelessly initiates at least a vehicle test program that manipulates at least one of the plurality of output devices” and “generates a report that incorporates the results of the vehicle test program manipulation with the characteristic of the cargo.” The Siebel system **appears to only teach “generat[ing] a notification request” for system maintenance without any device manipulation.** (Siebel, abstract). The Kaman system **appears to only teach “correlate[ing] and collect[ing] maintenance information (e.g., indicia of usage) on a number of vehicles and provid[ing] maintenance recommendations via the display and printer.”** (Kaman at col. 2, lines 65-67). The Lastinger disclosure **appears to teach an inventory control system in a vehicle that “may be used to determine the weight and distribution of the load on the storage units in the vehicle.”** (Lastinger at para. [0047]). The DeWilde disclosure **appears to only teach an inventory management system for cargo delivery.** (DeWilde at para. [0007]).

Applicants submit that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. §103. The Examiner has failed the requisite factual basis because these rejections do not comply with the all claim limitations standard under 35 U.S.C. §103. None of the cited references, alone or in proper combination, disclose, teach, or suggest the subject matter recited in independent Claims 37 and 42.

Applicants respectfully submit that the subject matter recited in independent Claims 37 and 42, and the claims which are dependent thereon, considered as a whole, would not have been

obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

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Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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